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# ORIGINAL

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DOCKET FILE COPY ORIGINAL

March 31, 2005

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MAR 31 2005

Marlene H. Dortch, Esquire  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

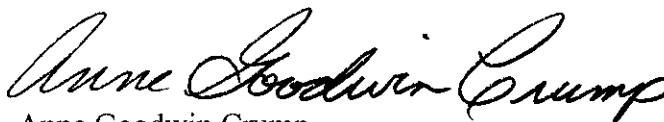
Re: MB Docket No. 05-45  
RM-11147  
Atwood, Kansas; McCook,  
Nebraska; Burlington and Flagler, Colorado

Dear Ms. Dortch:

Transmitted herewith, on behalf of KNAB, Inc., are an original and four copies of its "Comments, Counterproposal, and Response to Order to Show Cause" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump  
Counsel for KNAB, Inc.

Enclosures

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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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MAR 31 2005

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments, FM Broadcast Stations.  
(Atwood, Kansas; McCook, Nebraska;  
Burlington and Flagler, Colorado)

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Federal Communications Commission  
Office of Secretary

MB Docket No. 05-45  
RM-11147

Directed to: Chief, Media Bureau

**COMMENTS, COUNTERPROPOSAL,  
AND RESPONSE TO ORDER TO SHOW CAUSE**

KNAB, Inc. ("KNAB"), licensee of KNAB-FM, Burlington, Colorado, by its attorneys, hereby respectfully submits its Comments, Counterproposal, and Response to Order to Show Cause with regard to the *Notice of Proposed Rule Making and Order to Show Cause*, DA 05-309, released February 7, 2005 ("*NPRM*"), in the above-captioned proceeding. With respect thereto, the following is stated:

1. The *NPRM* in this proceeding, at the request of Border Alliance of Broadcasters ("BAB"), proposes the allotment of Channel 280C0 to Atwood, Kansas, as that community's first local aural transmission service. In order to accommodate this proposed allotment, a number of other allotment changes are required. As set forth in the attached Technical Statement, however, it is possible to make a more efficient allotment at Atwood, which will create the same public interest benefits of a first local aural service at Atwood while minimizing the disruptions from channel changes and serving a greater total number of persons.

2. KNAB is proposing herein that Channel 292C0 be allotted to Atwood, Kansas. In order to accommodate this proposal, it is also requested that Channel 294C1 be substituted for Channel 293C1 at Ogallala, Nebraska. As set forth in the Technical Statement, this allotment and substitution would be in compliance with the Commission's technical rules and policies. Further, this proposal would better serve the public interest than the BAB proposal.

3. As set forth above, the instant proposal would require fewer channel substitutions than that outlined by BAB. Moreover, the proposal contained herein would provide service to a greater number of potential listeners without any loss of proposed service. The attached Technical Statement notes that the proposed facility would provide service to 47,680 persons in 21,851.6 square kilometers, and there is no projected loss of service. In contrast, the BAB proposal would have a net gain in service of only 45,015 persons, a difference of 2,665 persons. Furthermore, the BAB proposal would result in a substantial site restriction for the McCook, Nebraska allotment, and a net loss of population within the predicted service area for both the McCook and the Flagler, Colorado allotments. For the Flagler allotment, the net population loss would be 1,174 persons, while for McCook, the net population loss would be 158.

4. Thus, it is clear that the KNAB proposal would better serve the public interest by providing a more efficient arrangement of allotments. The proposal set forth herein would provide all of the public interest benefits of a new first aural transmission service at Atwood as proposed by BAB, but it would not suffer the public interest detriments of the loss of predicted population coverage at Flagler and McCook.

5. If Channel 292C0 is allotted at Atwood, KNAB intends to file an application for construction permit for the facilities, and, if that application is granted, to construct the proposed

facilities in a timely manner. Further, if KNAB becomes the permittee of the Atwood facility, it will reimburse the licensee of KMCX-FM for the reasonable costs to move from Channel 293C1 to Channel 294C1 at Ogallala, Nebraska.

WHEREFORE, the premises considered, KNAB respectfully requests that the Commission amend the FM Table of Allotments to add Channel 292C0 at Atwood, Kansas, and to substitute Channel 294C1 for Channel 293C1 at Ogallala, Nebraska, and that the Commission modify the license for KMCX-FM, to specify the revised channel.

Respectfully submitted,

KNAB, Inc.

By:

  
Harry C. Martin  
Anne Goodwin Crump

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.  
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Eleventh Floor  
Arlington, Virginia 22209  
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March 31, 2005

**COMMENTS AND COUNTERPROPOSAL**

**KNAB, INC.**

**MB DOCKET # 05-45.**

**ALLOT CHANNEL 292C0**

**ATWOOD, KANSAS**

**ALLOT CHANNEL 294C1**

**OGALLALA, NEBRASKA**

**March 2005**

**TECHNICAL STATEMENT**

1. This technical statement and attached exhibits have been prepared on behalf of KNAB, Inc. ("KI"), licensee of KNAB, Channel 281C1, Burlington, Colorado. KI herein submits its comments and counterproposal in MB Docket #05-45. In MB Docket #05-45, Border Alliance of Broadcasters ("BAB") requested the following changes to the Commission's Table of FM Allotments, §73.202(b) of the rules: the allotment of Channel 280C0 to Atwood, Kansas; the substitution of Channel 292C2 for Channel 280C2 at McCook, Nebraska; the substitution of Channel 282C1 for Channel 281C1 at Burlington, Colorado; and the substitution of Channel 261C3 for Channel 283C3 at Flagler, Colorado. KI suggests that, in lieu of the BAB proposal, Channel 292C0 be allotted to Atwood, Kansas and to accommodate the allotment of Channel 292C0 at Atwood, that Channel 294C1 be substituted for Channel 293C1 at Ogallala, Nebraska. The proposed allotment of Channel 292C0 at Atwood is mutually exclusive with the BAB requested substitution at McCook, Nebraska. This proposal will provide for an allotment for Atwood and not require the change of channels for KNAB at Burlington, Colorado, nor the additional substitutions required in the BAB proposal.

## PROPOSAL

2. Channel 292C0 can be allotted to Atwood, Kansas, with a site restriction of 15.5 kilometers southeast of the community to avoid shortspacing to the pending application for station KPRB, Channel 292C3, Brush, Colorado. The geographic coordinates for the proposed allocation site are North Latitude 39° 43' 51" and West Longitude 100° 53' 58". Exhibit #1 is a map depicting where a transmitter site for Channel 292C0 can be located and meet the Commission's rules (assuming station KMCX-FM is moved to Channel 294C1 at Ogallala, Nebraska and not considering the originally proposed substitution at McCook, Nebraska). Exhibit #2 is a §73.207 spacing study from the proposed site, demonstrating that Channel 292C0 meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities (with the exception of the licensed KMCX-FM). From the proposed reference site, a 3.16 mV/m contour will be placed over all of Atwood, Kansas.<sup>1</sup>

3. Channel 294C1 can be allotted to Ogallala, Nebraska, with a site restriction of 2.0 kilometers east of the community in order to specify the existing KMCX-FM tower location. The geographic coordinates for the Channel 294C1 at Ogallala, Nebraska, are North Latitude 41° 08' 02" and West Longitude 101° 41' 42". Exhibit #3 is a §73.207 spacing study demonstrating that Channel 294C1 meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities.<sup>2</sup> From the proposed reference site, a 3.16 mV/m (70 dBu) signal will continue to be provided over all of Ogallala, Nebraska.

- 
- 1) Based on a maximum Class C0 facility using uniform terrain. It is noted there is line of sight from the proposed allocation site into Atwood, based on a maximum Class C0 facility.
  - 2) The allocation site for Channel 297C1 at Hershey, Nebraska was not considered, based on the issuance of a permit for a new FM station on Channel 297C1 at Hershey (BNPH-20050103AGV).

4. Therefore, KI herein requests the following changes in §73.202(b) of the Commission's rules.

**Atwood, Kansas**

<b>Present</b>	<b>Proposed</b>
None	292C0

**Ogallala, Nebraska**

<b>Present</b>	<b>Proposed</b>
259C1, 293C1	259C1, 294C1

**PUBLIC INTEREST**

5. The allotment of Channel 292C0 to Atwood, Kansas will provide that community with its first local FM service. A maximum Class C0 facility allotted to Atwood will provide 60 dBu service to 47,680 persons in 21,851.6 square kilometers.<sup>3</sup> Once Channel 292C0 is allotted to Atwood, Kansas, KI will participate in the process to enable it to submit FCC Form 301 applications to construct a new FM facility at Atwood, Kansas.<sup>4</sup>

6. The foregoing technical statement was prepared on behalf of KNAB, Inc., by Graham Brock, Inc., its Technical Consultants. All data related to FM facilities was extracted from the CDBS database and all population data was extracted from the 2000 Census database. We assume no liability for errors or omissions in those databases that may be adverse to the requests contained herein.

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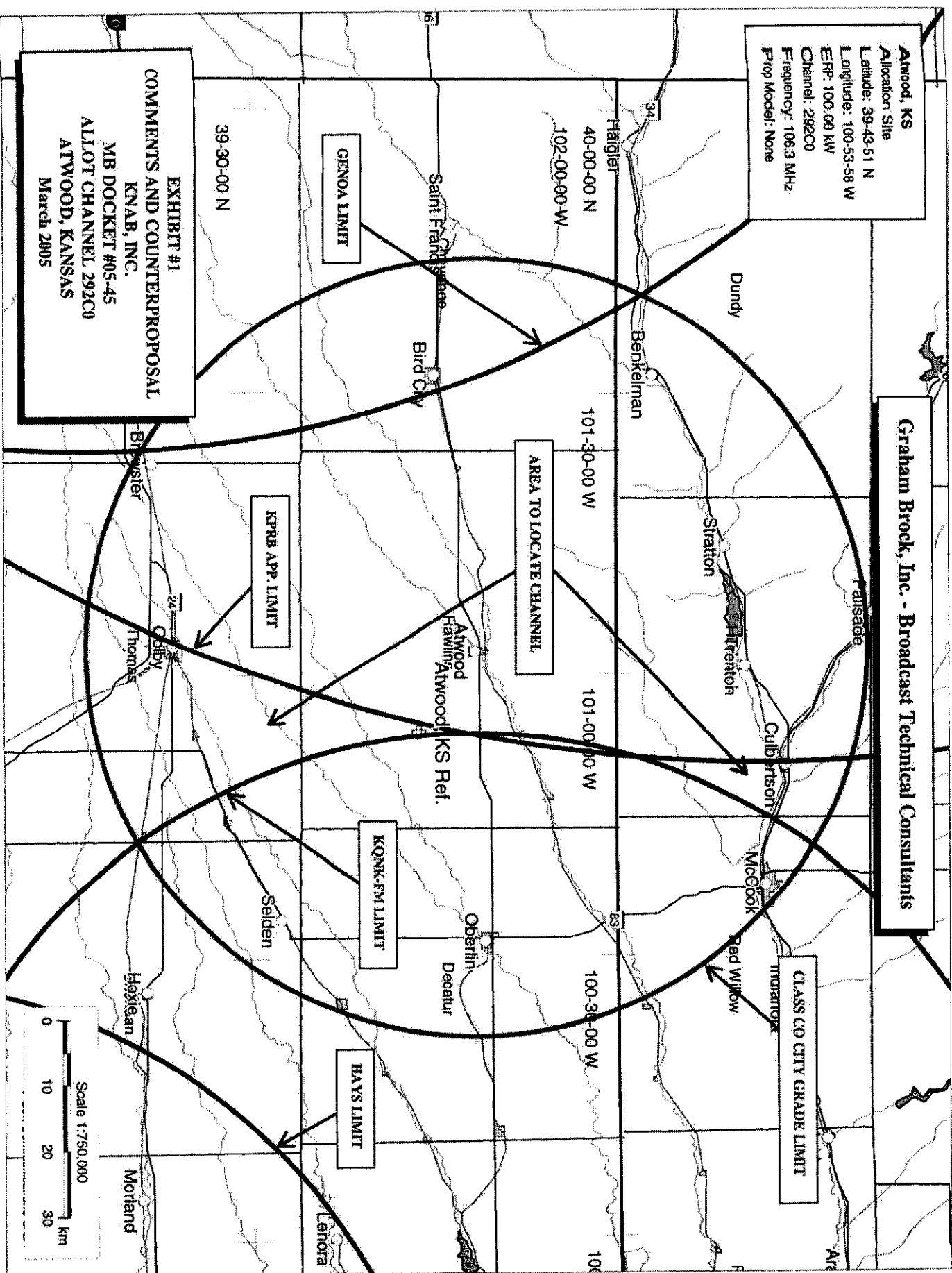
3) Based on uniform terrain.

4) If KI is the ultimate permittee for the Atwood, Kansas facility, it will reimburse the licensee of KMCX-FM for the costs to move from Channel 293C1 to Channel 294C1 at Ogallala, Nebraska.

# Graham Brock, Inc. - Broadcast Technical Consultants

**Atwood, KS**  
 Allocation Site  
 L. altitude: 39-43-51 N  
 L. longitude: 100-53-58 W  
 ERP: 100.00 kW  
 Channel: 292C0  
 Frequency: 106.3 MHz  
 Prop Model: None

**EXHIBIT #1**  
**COMMENTS AND COUNTERPROPOSAL**  
 KNAB, INC.  
 MB DOCKET #05-45  
 ALLOT CHANNEL 292C0  
 ATWOOD, KANSAS  
 March 2005





# COMMENTS AND COUNTERPROPOSAL

## KNAB, INC.

MB DOCKET # 05-45.

ALLOT CHANNEL 292C0

ATWOOD, KANSAS

ALLOT CHANNEL 294C1

OGALLALA, NEBRASKA

March 2005

## EXHIBIT #2

Allocation study for Atwood, Kansas  
Using proposed allocation site as reference

REFERENCE	CLASS = C0	DISPLAY DATES
39 43 51 N	Current	DATA 03-09-05
100 53 58 W	Spacings	SEARCH 03-09-05

----- Channel 292 - 106.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin
	N. Lat.	W. Lng.	Ant	Power	HAAT	
RADD	ADD 292C0	Atwood	KS	0.00	0.0	259.0 -259.00
	39 43 51	100 53 58		100.000 kW	450 M	
	KNAB, Inc.					
* RADD	ADD 292C2	Mccook	NE	51.61	44.8	239.0 -187.39
	40 03 34	100 28 21		50.000 kW	150 M	
	Border Alliance Of Broadcasters					
+ KMCXFM	LIC 293C1	Ogallala	NE	169.79	336.9	196.0 -26.21
	41 08 02	101 41 42	CN	100.000 kW	96 M	
	Capstar TX Limited Partnership BLH-19820520AC					
	> to Channel 294C					
KQNKFM	LIC 294A	Norton	KS	86.54	84.8	86.0 0.54
	39 47 47	99 53 35	CN	3.000 kW	95 M	
	Pioneer Country Broadcasting BLH-19940429KB					
KPRB.A	APP 292C3	Brush	CO	227.40	283.4	226.0 1.40
	40 10 33	103 29 49	CX	25.000 kW	80 M	
	JMS Broadcasting, LLC BPH-20020926ACP					
KPRB.A	APP 292C3	Brush	CO	227.40	283.4	226.0 1.40
	40 10 33	103 29 49	CX	25.000 kW	80 M	
	JMS Broadcasting, LLC BPH-20020926ACP					
ALLO	RSV 292C3	Brush	CO	227.40	283.4	226.0 1.40
	40 10 33	103 29 49		25.000 kW	100 M	
KPRB	LIC 292A	Brush	CO	244.94	283.7	215.0 29.94
	40 13 02	103 41 46	C	3.000 kW	81 M	
	Northeast Colorado Broadcast BLH-20010808ABF					
RADD	ADD 291C3	Genoa	CO	211.97	256.4	163.0 48.97
	39 15 35	103 17 15		25.000 kW	100 M	
	Optima Communications, Inc.					
AL289	VAC 289C2	Hays	KS	152.15	124.2	89.0 63.15
	38 57 15	99 26 43	N	50.000 kW	150 M	
AP289	APP-N 289C2	Hays	KS	159.32	122.9	89.0 70.32
	38 56 33	99 21 19	NCX	27.500 kW	138 M	
	Radioactive, LLC BNPH-20050103ACH					

\* Note: This instant request is a counterproposal to this request.

+ Note: KMCX-FM will be moved to Channel 294C1 as part of this counterproposal.

# COMMENTS AND COUNTERPROPOSAL

## KNAB, INC.

MB DOCKET # 05-45.

ALLOT CHANNEL 292C0

ATWOOD, KANSAS

ALLOT CHANNEL 294C1

OGALLALA, NEBRASKA

March 2005

### EXHIBIT #3

Allocation study for Ogallala, Nebraska  
Using KMCK-FM site as reference

REFERENCE	CLASS = C1	DISPLAY DATES
41 08 02 N	Current	DATA 03-09-05
101 41 42 W	Spacings	SEARCH 03-09-05
----- Channel 294 - 106.7 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
	N. Lat.	W. Lng.	Ant	Power	HAAT	
AD294	ADD 294C1	Ogallala	NE 0.00	0.0	245.0	-245.00
	41 08 02	101 41 42	0.000 kW 0 M			
	KNAB, Inc.					
KMCKFM	LIC 293C1	Ogallala	NE 0.00	0.0	177.0	-177.00
	41 08 02	101 41 42 CN	100.000 kW	96 M		
	Capstan TX Limited Partnership BLH-19820520AC					
NEW .C	CP 297C1	Hershey	NE 84.68	81.7	82.0	2.68
	41 14 20	100 41 43 C'S	100.000 kW	140 M		
	Eagle Communications, Inc. BNPB-20050103AGV					
RS295	RSV 295C2	Minatory	NE 168.66	297.1	158.0	10.66
	41 48 34	103 30 12	50.000 kW	150 M		
	College Creek Broadcasting					
KQNKFM	LIC 294A	Norton	KS 213.10	133.7	200.0	13.10
	39 47 47	99 53 35 CN	3.000 kW	95 M		
	Pioneer Country Broadcasting BLH-19940429KB					
AP295	APP 295C2	Minatory	NE 172.63	300.5	158.0	14.63
	41 54 24	103 29 22 C'S	50.000 kW	124 M		
	College Creek Broadcasting BNPB-20041229ABS					
KBPI.A	APP 294C	Denver	CO 338.32	243.7	270.0	68.32
	39 43 58	105 14 08 CY	100.000 kW	524 M		
	Jacor Broadcasting Of Co. BPH-20030424AAP					
KBPI	LIC 294C	Denver	CO 338.39	243.7	270.0	68.39
	39 43 59	105 14 12 CN	100.000 kW	301 M		
	Jacor Broadcasting Of Co. BLH-19851120KC					

Note: Based on the issuance of a permit for Hershey, Nebraska, the allocation site is no longer entitled to protection.

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

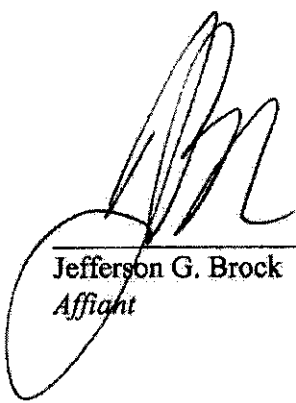
*State of Georgia )*  
*St. Simons Island ) ss:*  
*County of Glynn )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by KNAB, Inc., to prepare the attached Technical Exhibit.


His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 9th day of March, 2005.*

  
\_\_\_\_\_  
Jefferson G. Brock  
Affiant

*Sworn to and subscribed before me  
this the 9th day of March, 2005*

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: September 3, 2007

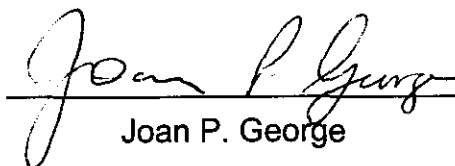
## **CERTIFICATE OF SERVICE**

I, Joan P. George, a secretary in the law firm of Fletcher, Heald & Hildreth, PLC, do hereby certify that a true copy of the *Comments, Counterproposal, and Response to Order to Show Cause* was sent this 31<sup>st</sup> day of March, 2005, by hand where indicated and via United States First Class Mail, postage prepaid, to the following:

Sharon P. McDonald, Esq.\*  
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Federal Communications Commission  
The Portals II  
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Joan P. George

\* Hand Delivered